



## **RESPONSE TO A NOTICE OF PROBABLE VIOLATION**

**Case Number: C241570001**

**Name: Action Power, Inc.**

The provisions of California Code of Regulations, Title 19, Division 4, Chapter 3, governs the Notice of Probable Violation (Notice) proceeding before the California Underground Safety Board (Board). Specifically, 19 CCR section 4252 provides your response options upon the receipt of a Notice.

Be advised that all material submitted by you in response to a Notice are subject to public disclosure.

Please select from one of the response options listed below. You have 30 business days to submit your written response to the Underground Safety Board. Failure to submit a written response will be considered by the Board as a "No Contest" response. Please attach this form with your selection to your response. If you choose "Contest in Writing" or "Contest in Writing and Request Informal Hearing," please also include your written explanation and documents that may be referenced in your written explanation or informal hearing. For all options, Board investigators may present the basis for your probable violation on the date of the public meeting as provided in your Notice, and the Board will review your case and vote to determine whether a probable violation exist and whether the corrective action and/or penalty proposed by the Board staff is appropriate at the meeting.

### **Response Options**

#### **\_\_\_ No Contest**

You do not contest the violations or the penalty. If you choose to not contest the violations or the penalty, you will waive your right to request the Board to reconsider its decision or recommendation issued.

#### **X Contest in Writing**

You wish to contest either the violation, the penalty, or both by providing the Board with written explanations and other records supporting the explanation. You will submit the written explanations and records, if any, with your written response within 30 business days of receiving this Notice. Your response must not exceed 10 pages (excluding exhibits) in length and must be on 8.5" x 11" white paper, double-spaced, and in a font size no smaller than 11-point. You must submit the original and 12 physical copies of the written explanation and records to the address below or submit one (1) copy electronically to [enforcement.dig@energysafety.ca.gov](mailto:enforcement.dig@energysafety.ca.gov). You may request an extension to the page limit by submitting a request to the Board staff within 5 days of receiving this Notice. The Board staff will notify you of its determination with respect to the page limit extension request within 10 days of you submitting the request. The Board will review and vote on your case on the date of the public meeting provided in the Notice.

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Name: Action Power Inc

Action Power Inc is a CSLB C10 Electrical Contractor providing temporary power to construction sites. On the day of the incident, we were working at a project at Blue Copper Way & Cosmos Way in Fontana, California. We were installing a temporary power pole on a lot with no buildings in the area for at least 500 feet. It was a graded lot with nothing else there. Our field manager consulted with the jobsite superintendent who directed him to place the pole in the assigned location. It is our company policy to call USA Digalert prior to digging. Our mistake in this situation was to rely on the jobsite superintendent for confirmation that there was nothing in the digging area.

Immediately after the incident, our field manager contacted the jobsite superintendent and together they called Southern California Gas Company. 911 was not called as there was no threat to life. No other people were in the area. Our field manager waited until Southern California Gas Company arrived and immediately fixed the conduit.

On 10/17/24 we had a company meeting and training at our office with Southern California Gas Company representative Jennifer Duprey, their Damage Prevention Analyst.

Safety is our priority at Action Power and it is our company policy to call USA Digalert. We have consistently called in the past and will continue to do so in the future. This was an isolated incident and we ask that you would consider our long history with few incidents.